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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,407	07/01/2003	Ayae Endo	9319S-000521	1885

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EXAMINER

COLON, GERMAN

ART UNIT PAPER NUMBER

2879

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,407	Applicant(s) ENDO ET AL.	
	Examiner German Colón	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/1/03, 7/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group III (claims 19-28) in the reply filed on May 19, 2005 is acknowledged. The traversal is on the ground(s) that the claims are sufficiently related to each other that an undue burden would not be placed on the Examiner by maintaining all groups in a single application.

This is not found persuasive because even if the Applicant does not consider the examination a burden, the election-restriction is based on the presence of different inventions, namely, the method of making a film, a coating apparatus and an electro-optic device. An examination of the device does not mean that the references used to reject it will automatically be used to reject the manufacturing process or coating apparatus since both inventions have different features or limitations. Thus, the serious burden on the Examiner of having to search all the features or limitations directed to different inventions and to reject each invention using different references is eliminated by the proper election of invention requirement. Moreover, when searching only the elected invention, there will not be a need to search for features not stated in the elected invention, thus resulting in a reduction of the workload and in a simplification of the prosecution of the application.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The disclosure is objected to because of the following informalities:

The Brief Description of the Drawings section recites a description of Fig. 6, however, the Figure comprises Figs. 6(a)-6(e). The Examiner suggests amending the specification to recite "Figs. 6(a)-6(e)" instead of "Fig. 6."

The same situation occurs for Figs. 7, 8, 14 and 22.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19-22 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Cao (US 5,965,281).

Regarding claim 19, Cao discloses an electro-optical device (see at least Figs. 13-15) having a functional element, wherein the functional element contains a surfactant (see at least Col. 3, lines 33-40 in view of Col. 4, lines 1-9).

Regarding claims 20 and 22, Cao discloses the functional element being an organic electroluminescent element (see at least Col. 4, lines 1-10).

Regarding claim 21, Cao discloses the light-emitting element (see at least Fig. 13) comprising a light-emitting layer 16, and a pair of electrodes 14,18 which sandwich the light-emitting layer therebetween; and

wherein the electro-optical device comprises a base substrate 12 for supporting the light emitting element and a current passage controlling unit disposed on the base substrate (see left side of Fig. and respective description).

Referring to claim 25, Cao discloses an organic EL device having a plurality of material layers (see Figs. 13-15), wherein at least one material layer of the plurality of material layers contains a surfactant (see at least Col. 3, lines 33-40 in view of Col. 4, lines 1-9).

Referring to claim 26, Cao discloses a light-emitting layer of the material layers containing a surfactant (see at least Col. 4, lines 1-10).

Referring to claim 27, Cao discloses a method of manufacturing an organic EL device (see Figs. 13-15) having a plurality of material layers, comprising: adding a surfactant to a solution containing a material layer forming material and a solvent, thereby regulating a composition, and using the composition, thereby forming material layers (see at least Col. 10, lines 6-9; and Examples).

5. Claims 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Imamura et al. (US 2003/0175552).

In regards to claims 19, 20, 22 and 25, Imamura discloses an organic EL device (see Fig) having a plurality of material layers, wherein one of the layers is an organic electroluminescent layer containing a surfactant (see at least paragraph [0010]).

In regards to claim 21, Imamura discloses the light-emitting element comprising a light emitting layer 6,7,8 and a pair of electrodes 3,10 which sandwich the light-emitting layer therebetween; and

wherein the electro-optical device comprises a base substrate 1 for supporting the light-emitting element and a current passage control unit 2 disposed on the base substrate for controlling the current passage to the electrode.

In regards to claims 23-24 and 27-28, Imamura discloses a method of manufacturing an organic EL device having an organic functional layer, comprising the steps of:

adding a surfactant to a liquid material containing a functional element constituting material and a solvent, thereby regulating a composition (see at least paragraphs [0019]-[0020]); and

sending the composition to liquid material ejecting means through a passage, and applying the composition on the base substrate with the liquid material ejecting means (see paragraphs [0018] and [0024]).

In regards to claim 26, Imamura discloses a light-emitting layer of the material layers containing a surfactant (see at least paragraph [0010]).

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Lee et al. (US 2003/0010959) discloses an organic EL device which reads on at least claims 19, 23, 25 and 27.

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Pei et al. (US 6,593,687), claim 12, discloses an OLED containing a surfactant.

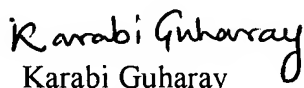
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Colón whose telephone number is 571-272-2451. The examiner can normally be reached on Monday thru Thursday, from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gc


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